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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,548	10/30/2003	Jonathan Levene	SNS-015	7583
21323	7590	01/07/2005	EXAMINER	
TESTA, HURWITZ & THIBEAULT, LLP HIGH STREET TOWER 125 HIGH STREET BOSTON, MA 02110			SAJOUS, WESNER	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/697,548	Applicant(s) LEVENE ET AL	
	Examiner Sajous Wesner	Art Unit 2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-62 is/are pending in the application.  
     4a) Of the above claim(s) 1-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-62 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13, drawn to using an index corresponding to a voxel based virtual object to identify texture elements, classified in class 345, subclass 424.
- II. Claims 14-25, drawn to allocating texture in a texture space following an object modification, classified in class 345, subclass 427.
- III. Claims 26-51, drawn to a method of creating a blended texture by blending a plurality of texture layers including a uniform or nonuniform texture element, classified in class 345, subclass 592.
- IV. Claims 52-62, drawn to allocating texture in real-time as a user applies one brush stroke onto a virtual object, classified in class 345, subclass 633.

The inventions are distinct, each from the other because of the following reasons:

Group I can functions independently from Group II because a voxel based virtual object is not required to allocate texture in a texture space, as called for in Group II. Also, Group I can function independently from group III and group IV because a voxel based virtual object is not a basis for creating a blended texture, nor does a voxel based virtual object is required to allocate texture in real-time as a user applies one brush stroke onto a virtual object. Group III is different from Group IV because, while group III deals with texture blending including a uniform or nonuniform texture element, group IV relates to

texture blending including a uniform or nonuniform texture element, group IV relates to object manipulation. The requirement for Group III is not needed to perform the task in Group IV.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and also because the search required for Group I or II is not required for Group III or IV, nor does the search required for Group I is required for Group II nor the search for Group III is required for group IV, restriction for examination purposes as indicated is proper.

A telephone call was made to William Haulbrook on 1/5/2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

### **Conclusion**

**Any response to this action should be mailed to:**

Box

Commissioner of Patents and Trademarks  
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or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

Art Unit: 2676

(703) 308-5359 for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 6th floor (receptionist).

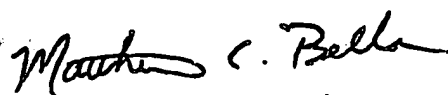
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on Mondays thru Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

**Wesner Sajous -WS-**



January 4, 2005



MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
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